

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

CLEOPHUS D. JAMES,)	
)	
Movant,)	
)	
vs.)	Case No. 16-0128-CV-W-NKL-P
)	Crim. No. 04-00270-01-CR-W-NKL
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

ORDER DISMISSING CASE WITHOUT PREJUDICE

This motion under 28 U.S.C. § 2255 to vacate, set aside, or correct sentence was filed *pro se* by Cleophus D. James on February 16, 2016. James alleges he is entitled to relief pursuant to the United States Supreme Court's decision in *Johnson v. United States*, 135 S.Ct. 2551 (2015). This is James' second Section 2255 motion regarding the same sentence. *See James v. United States*, No. 14-0572-CV-W-NKL-P (W.D. Mo. Sept. 17, 2014).

The Antiterrorism and Effective Death Penalty Act of 1996, effective April 24, 1996, provides that before a second or successive Section 2255 motion may be filed in the district court, it must be certified by a panel of the appropriate court of appeals as provided under 28 U.S.C. § 2244(b)(3)(A). James' motion here is a second or successive Section 2255 motion, and the Act applies. But James has not shown he has obtained certification from the Eighth Circuit Court of Appeals. Because he has not shown that he has complied with the Act, this case must be dismissed for lack of jurisdiction to review his current claims until he obtains certification from the Eighth Circuit.

Accordingly, this case is dismissed without prejudice for lack of jurisdiction pursuant to 28 U.S.C. § 2244(b)(3)(A) and 2255 (as amended Apr. 24, 1996).

SO ORDERED.

s/ Nanette K. Laughrey
NANETTE K. LAUGHREY
United States District Judge

Dated: March 18, 2016
Jefferson City, Missouri